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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92045173
Party	Defendant Cycloplan Music, Inc.
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Submission	Motion to Suspend for Settlement Discussions
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Attachments	Motion_for_Suspension_for_Settlement_with_Consent.pdf (4 pages)(261101 bytes)

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future enforcement of the “Misfits” marks against third-parties and need additional time to attempt to reach an agreement on this settlement term.

Moreover, the parties also need additional time to settle this matter as a result of a new cancellation action filed by Danzig while the parties’ settlement discussions were on-going. Specifically, on or around October 6, 2008, Danzig filed a separate cancellation action (Cancellation No. 92050014) seeking to cancel Registration No. 2,770,984 owned by Cycloplan (the “New Cancellation Action”) for its “Skull Design” mark. The New Cancellation Action asserts the same or similar grounds as are asserted in this cancellation action. Although the grounds for the New Cancellation Action are substantially the same, the underlying facts related to the creation, ownership and use of the “Skull Design” mark raise new and unrelated issues that the parties had not considered in their previous settlement discussions. Because the parties believe that it would be advisable, if possible, to settle both of the cancellation actions in one agreement, the parties need additional time to consider these new issues to determine whether it is feasible to agree to such a settlement. The parties have begun such initial discussions.

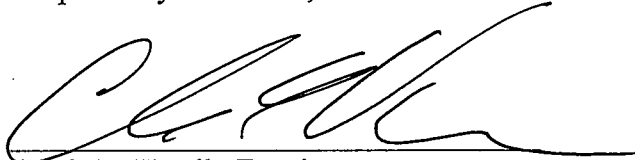
With respect to discovery in this cancellation action, in or around May 2006, Cycloplan served interrogatories and document requests which Danzig answered in June 2006. In or around August 2006, Cycloplan subpoenaed certain third parties for documents and testimony and took the deposition of one such third party. Later in August 2006, Cycloplan noticed the deposition of Danzig. Danzig’s deposition was scheduled for September 28, 2006 but was postponed after Danzig filed a motion for summary judgment on September 22, 2006. The parties also have written discovery requests and deposition notices that remain outstanding.

For the reasons set forth above, the parties respectfully request that the Board suspend Cancellation No. 92045173 for further settlement and the dates of the action be reset as follows:

Proceedings resume: 2/5/2009
Discovery Closes: 6/5/2009
Plaintiff's 30-day Trial Period Ends: 9/3/2009
Defendant's 30-day Trial Period Ends: 11/2/2009
Plaintiff's 15-day Rebuttal Period Ends: 12/17/2009

Cycloplan has secured the express consent of all other parties to this proceeding for the suspension requested herein.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'C. B. Krasik', written over a horizontal line.

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Attorneys for Registrant Cycloplan Music, Inc.

Date: December 8, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this paper has been served upon all parties,
at their address of record by First Class Mail on this date.

Date: December 8, 2008



Christopher M. Verdini